

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

Nicole Demont, et al.,)	
)	
Plaintiffs)	
)	
v.)	Civil No. 1:12-cv-00210-JAW
)	
RSU 34)	
)	
Defendants)	

**AFFIDAVIT OF JAMES A. CLIFFORD VERIFYING FUNDS PAID BY RSU 34
HAVE BEEN DEPOSITED AS REQUIRED BY COURT ORDER**

I, James A. Clifford, depose and State as follows:

1. I am a counsel for Plaintiffs in this action.
2. On September 28, 2012, the Court granted Plaintiffs' Motion for Approval of Settlement (Document 10).
3. The terms of settlement are consistent with the requirements set forth in Local Rule 41.2 (Court Approval of Settlements on Behalf of Minors), which include the following provision in subparagraph 7:

(7) Not later than thirty (30) days after entry of the order approving the settlement, the attorney or party to whom the funds are paid shall file a sworn affidavit verifying that the funds paid have been deposited as required by the court order, stating the depository financial institution and account number, and certifying that a copy of the court's order with restrictions on withdrawal, if any, has been provided to the depository financial institution.

4. On October 11, 2012, I received a check from the insurance company for RSU 34 in the amount of \$15,000 made payable to me as attorney for Plaintiffs. I deposited this into my client trust account (IOLTA) at TD Bank that day, and on October

13 I delivered a check in the amount of \$10,000 to my client Nicole Demont by First Class Mail along with a letter instructing her to comply with the terms of settlement (i.e., deposit \$5,000 into a separate account in J.D.'s name, with the additional \$5,000 to serve as reimbursement for legal fees paid by Nicole Demont).¹

5. On October 19, 2012, Nicole Demont called to inform me she had deposited the funds into Account #2500 at Changing Seasons Federal Credit Union ("CSFCU") in Old Town, Maine and provided CSFCU with a copy of the Court's Order and copy of the Amended Motion for Approval of Settlement (Document 9).

Dated: November 1, 2012

/s/ James A. Clifford
James A. Clifford
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One Monument Way, Suite 421
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(207) 541-9101
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STATE OF MAINE
CUMBERLAND, ss.

Dated: November 1, 2012

PERSONALLY APPEARED before me the above-named James A. Clifford, and made oath that the statements contained in this Affidavit are true to the best of his personal knowledge, information, and belief.

Before me,

/s/ Roger F. Brunelle
Maine Bar # 9414
Law Office of Roger F. Brunelle
One Monument Way, 2nd Floor
Portland, ME 04101

¹ As set forth in the Amended Motion for Approval of Settlement, \$5,000 of the settlement funds was applied to outstanding legal fees, while the remaining \$10,000 was intended to serve a dual purpose: (i) \$5,000 to reimburse Nicole Demont for payment of prior legal fees and (ii) \$5,000 as compensation for J.D.

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2012, I electronically filed this Affidavit with the Clerk of the Court using the CM/ECF system, which will send notification of such filings to Melissa A. Hewey, Attorney for RSU #38 by email at mhewey@dwmlaw.com.

/s/ James A. Clifford

James A. Clifford, Esq.